

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DAVID J. WHITEFOOT and
ELENA R. WHITEFOOT

PLAINTIFFS

V.

CAUSE NO. 1:14-CV-113-SA-DAS

SHERIFF OF CLAY COUNTY, et al.

DEFENDANTS

ORDER

Plaintiffs, proceeding pro se, filed a Motion Pursuant to Rule 59(e) [120] regarding this Court's Order entered on August 22, 2016 [118]. Plaintiffs allege that the Court has made clear errors upon at least three occasions: (1) when it denied as moot Defendant Clay County's Motion to Dismiss for Failure to State a Claim and for Immunity [95]; (2) when it denied Plaintiffs' Motion for the Court to Rule Clay County's Motion for Immunity Null and Void [98]; when it allowed Clay County to amend its Motion to Dismiss [111].

The Federal Rules of Civil Procedure do not specifically provide for a motion for reconsideration, but the Fifth Circuit Court of Appeals has held that a district court may entertain such a motion and treat it as a motion to alter or amend under Rule 59(e). *Shepherd v. Int'l Paper Co.*, 372 F.3d 326, 328 n. 1 (5th Cir. 2004). The Court has considered the arguments presented by all parties regarding Defendants' Motion to Dismiss in its original form, as well as in Defendants' Amended Motion to Dismiss, and finally, in Plaintiffs' Motion to Reconsider. In summary, the arguments presented in Plaintiffs' Motion for Reconsideration reiterate and repeat previous oppositions to Clay County's Motion to Dismiss. Plaintiffs have been allowed ample opportunity to respond to the arguments and the Court has ruled on the motion. Therefore, Plaintiffs' Motion is DENIED regarding all claims.

Additionally, this Court previously granted Defendants' Motion to Stay [97] pending resolution of immunity issues. As those immunity concerns have been resolved, the Court hereby LIFTS the stay in this case. By separate notice, the trial of this matter will be scheduled for September 18, 2017. The parties shall have until July 14, 2017 to conduct appropriate discovery, and all dispositive motions are due by July 28, 2017. Issues regarding discovery should be directed to the Magistrate Judge assigned to this case.

IT IS SO ORDERED this 17th day of February, 2017.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE